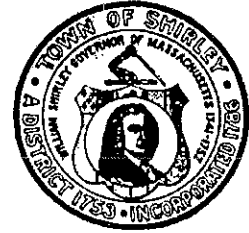


# Town of Shirley

## Zoning Board of Appeals



7 Keady Way, Shirley, MA 01464

TEL: (978) 425-2600, ext 240  
Email: zbaclerk@shirley-ma.gov

MINUTES  
ZONING BOARD OF APPEALS  
MAY 16, 2016  
1st Floor, Meeting Rooms A & B

**MEMBERS PRESENT:** Chip Guercio (Chair), Kevin Kelly, and Joshua Bedarian

**MEMBERS ABSENT:** Lora Prescott (Vice Chair), Laurel Hayes

**OTHERS PRESENT:** Pat Wojtas (Interim Land Use Clerk), Tim Hatch, Richard Hatch, Lee Mirkovic, Donna Raftery

Mr. Guercio convened the meeting at 7:00pm.

Mr. Guercio announced that no testimony will be taken for the scheduled Public Hearing on the appeal of Building Permits for the solar facility on Patterson Road since Town Counsel is unable to attend tonight's meeting.

**PUBLIC HEARING: 42 Parker Road**  
**Owner & Applicant: Mary and Michael Lance**

Mr. Guercio noted that this Public Hearing is for the renewal of a Special Permit, which would require a vote of at least four members of the Board. Since only three members were present at this time, he said he would defer action to see if a fourth member of the Board arrives.

**PUBLIC HEARING: 265 Great Road**  
**Owner & Applicant: Benjamin Builders, Inc.**

Mr. Guercio opened the hearing for this application and read the Legal Notice for the Public Hearing.

Mr. Guercio read the responses received from other town boards and departments:

- Board of Health - No Board of Health issues.
- Zoning Officer – Notes that the applicant has laid out his request very well.
- Planning Board – No comment.
- Sewer Department – this property is not located in the sewer district, therefore the Sewer Commission has no problem with the request.

- Conservation Commission – has issued a Determination of Applicability on this property.

Mike Mortarella, of David Ross Associates, explained the need for a variance for this property. Last year, variances were granted for the lot width and frontage. Due to concerns by the Conservation Commission, the position of the driveway and the house were moved, which now requires a variance from the side setback requirement for this zone (RR).

Abutter Donna Raftery stated that she has no concerns with issuing this variance, and supports the applicant.

Mr. Kelley asked if the property owner is applying for three variances, or only one. Mr. Mortarella stated that only the side setback variance is needed at this time, since the previous variances were properly recorded at the Registry of Deeds after they were granted last year.

Mr. Bedarian asked about the grade to the right of the driveway. Gary Lordin, from Benjamin Builders, replied that the grade will not change.

There being no other comments, Mr. Guercio closed the public hearing at 7:12pm.

Voting: Mr. Kelly made a motion to grant the variance for the side setback at 265 Great Road, as requested. Mr. Bedarian seconded the motion. The motion passes, 3-0.

#### **PUBLIC HEARING: Appeal of Building Permits issued for 21 and 21Rear Patterson Road**

Mr. Guercio opened the hearing for this application and read the Legal Notice for the Public Hearing. He then noted, as previously stated, that the Board wished to continue the Public Hearing without taking any testimony, until Town Counsel could be present.

After some discussion, it was decided to continue the Public Hearing to Tuesday, June 21.

Mr. Kelly made a motion to continue the Public Hearing for 21 and 21 Rear Patterson Road to June 21, 2016, at 7:00pm. Mr. Bedarian seconded the motion. Motion passes, 3-0.

#### **PUBLIC HEARING: 42 Parker Road **Owner & Applicant: Mary and Michael Lance****

As there were still only three members of the Board in attendance at this time, Mr. Guercio suggested that this hearing be continued to the next meeting, scheduled for June 21, when at least four members will be present.

Mary Lance noted her concern that the Special Permit will expire in July, and asked for assurances that it can be extended before that time. Mr. Guercio stated that should not be a problem.

Mr. Guercio opened the hearing for this application and read the Legal Notice for the Public Hearing, for administrative purposes.

Mr. Kelly made a motion to continue the Public Hearing for 42 Parker Road to June 21, 2016, at 7:00pm. Mr. Bedarian seconded the motion. Motion passes, 3-0.

**MINUTES:**

Mr. Kelly made a motion to approve the regular meeting minutes from March 7, 2016. Mr. Bedarian seconded the motion. The motion passed, 3-0.

Mr. Kelly made a motion to approve the Executive Session meeting minutes from March 7, 2016, not to be released at this time. Mr. Bedarian seconded the motion. The motion passed, 3-0.

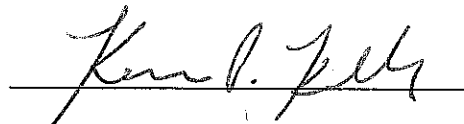
**ADJOURNMENT:**

Mr. Kelly made a motion to adjourn at 7:25pm. Seconded by Mr. Bedarian. The motion passed, 3-0.

Minutes Accepted on June 21, 2016



Leonardo Guercio



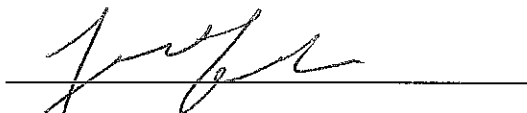
Kevin Kelly



Lora Prescott



Laurel Hayes

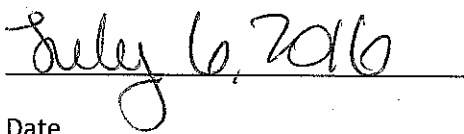


Joshua Bedarian

Filed and received in the office of the Town Clerk:



Amy McDougall, Town Clerk



Date